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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,529	09/12/2003	Louis Borgeat	16046-1US-2 IC/DP/mft	5310
20988	7590	06/23/2005	EXAMINER	
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			ARK, DARREN W	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/660,529	BORGAT, LOUIS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Darren W. Ark	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 10, 12-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 10, 12, 13, 16, 17 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

✓

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 16, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 6, the phrase "...handle means...for rotating the latter" renders the claim vague and indefinite since it is unclear what the handle is rotating (the adapter or reel seat?). Also see claim 16 for the same problem.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 10, 12, 13, 16, 17, 20-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Axelsson 3,175,323.

Axelsson discloses a fly rod (structure of the rod is not being particularly claimed) including a rod shaft (44) having a tip (to left in Fig. 1) and a proximal end (to the right in Fig. 1); a handgrip (intermediate portion of 44 to the left of 27, 29; a handgrip is being

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interpreted as any place where the user may grasp and manipulate the object) proximate to the proximal end (the intermediate part of 44 is near the proximal end), the rod shaft having a rear portion extending past the handgrip (right end of 44 near the proximal end is past the intermediate part of 44; closer to the end of 44 inserted into 29); a sleeve like adapter (28) secured over the rear portion (see Fig. 2) and having an engaging locking means (37) and an outer face with a diameter  $d1$  at a first end (right end of 28) proximate to the proximal end of the shaft (see Fig. 2); a hollow cylindrical reel seat (13, 14, 19; reel seat not particularly claimed) with an outer face (see Figs. 1, 2) and defining a cavity (where 14 receives 28, along 13, and the rear end of the cavity defined by 19) therein, the reel capable of being secured to the outer face of the reel seat (at 13 which comprises part of an outer face; also by virtue of being secured to 13, the reel 26 is inherently secured to any outer face), over the cavity (26 has a portion which extends over 14, 13, and 19), the cavity having a diameter  $d2$  wider than  $d1$  (see Fig. 2) allowing the adapter to be slidably inserted into the cavity (see Fig. 2) by first inserting the first end of the adapter (right end of 28), the reel seat having an engageable member (34) engageable with the engaging locking means when sliding the reel seat over the adapter (28 can be slid into 13, 14 concurrently with the rotation of 38 to engage 37 with 34), and the reel seat being removable from the adapter as a single unit with the reel (13, 14, 19, 26 can be removed together from 28 by merely removing 28 from 14) by disengaging the engageable member from the engaging locking means.

In regard to claims 6 and 16, Axelsson discloses a handle means extending outwardly from the outer face (each of 11, 36, or 43 is capable of rotating reel seat).

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In regard to claim 10, Axelsson discloses the outer face of the reel seat having reel fasteners (18-20).

5. Claims 1, 6, 10, 16, 17, 20-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Heller 5,697,184.

Heller discloses a rod shaft (9 in Fig. 9) with a handgrip (upper part of 9 in Fig. 9); a sleeve like adapter (13) with engaging locking means (outer surface of 13; means not particularly claimed); a hollow cylindrical reel seat (27a) with an engageable member (inner surface of 27a touching 13); handle means (any protruding portion on 27a).

***Allowable Subject Matter***

6. Claims 4, 5, 14, 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA